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Title _____

Class E 215

Imprint _____

Book .4

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GPO 16-7464

I. DR. E. G. CRAVEN, JR.

THE BOSTON MASSACRE.

A. C. GOODELL, JR.

REPRINTED FROM THE BOSTON DAILY ADVERTISER,

JUNE 3, 1887.

The discussion concerning the propriety of the resolve recently signed by the Governor for erecting a monument to Crispus Attucks and others who fell, under the fire of British soldiers, in King street, now State street, March 5, 1770, has thus far been conducted with considerable asperity, but with too little regard to the important principle involved in the issue between those who favor and those who oppose the building of such a monument as the resolve contemplates.

The original petition upon which the resolve was founded set forth that in the Granary burying-ground rest the remains of the victims mentioned in the resolve, that they were the first martyrs in the cause of American liberty, that their names appear on the records and history of that time, but "no stone marks their burial-place," and prayed that a suitable monument might be erected to their memory.

To such a petition there could be no objection; and probably no person who was asked to sign it refused, or would ever object to the granting the prayer thereof. To be sure there was affixed to the gates of the burying-ground a bronze tablet stating that "the victims of the Boston Massacre" were interred in that inclosure; but there was nothing to indicate the precise spot. The circumstances attending the death of these persons are historic, and have ever been regarded as having a direct relation to the subsequent events of the Revolution; and it would be putting too fine a point on the matter to object to the petition because, in describing the persons over whose remains it was intended to erect "a suitable monument," the petitioners used the figurative language applied to those victims by contemporary orators, and repeated, over and over again, in later years, on public occasions. Nor, seeing that none of the families of the de-

ceased (probably by reason of their poverty) had put up even the plainest headstone to either of them, and that the result of the tragedy in King street was not limited to the transient expedient of withdrawing the soldiers adopted by the representatives of the crown in compliance with the demand of the citizens of Boston, but was memorable to the whole people as constituting an epoch in the earlier stages of the rise of a new and mighty republic, would any one grudge the expenditure from the state treasury of a sum sufficient to cover the cost of a suitable memorial at or near their place of burial.

The report of the committee upon this petition is dated April 19, 1887. It was accompanied by a resolve which has now become a law, providing for two distinct things; first, "a suitable memorial or monument to the memory of" the victims, "to be erected in some public place in the city of Boston," and second, "suitable headstones to be placed at the graves of said persons," and authorizing the expenditure therefor of not more than \$10,000.

Here is clearly a purpose to do something more than indicate the "place of burial" of the deceased or provide for an enduring epitaph to the individuals named in the petition. The large limit of appropriation shows an intention not merely to settle a doubtful point in history and gratify a very natural and proper desire to know precisely where the "martyrs" were buried, but to erect a public monument which can have no other purpose than to perpetuate their fame, to hold up their deeds as worthy of praise, and to commend their example to posterity.

Considering this a departure from the proper object of the petition, and believing it to be based on a pernicious misconception of the purpose for which the annual oration was instituted by

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The town of Boston in 1771, as soon as I was informed that such a resolve had been reported, which was not until it had passed both branches and had reached the executive chamber, I called upon the governor and upon the chairman of each branch of the joint committee which reported the resolve, with the view to have it recalled and further discussed before it should receive the executive approval.

With regard to the lateness of the protest, it is worthy of notice that the Massachusetts Historical Society took action upon the matter at its first meeting after the resolve had been reported; and as for my own action I can only say that I do not regularly read the newspapers, on account of impaired sight which makes it necessary for me to confine my reading largely to my special work, and I had, therefore, seen nothing in print, nor had I received an intimation from any source that any of the petitioners contemplated the double purpose expressed in the resolve. As for the appropriation, which members of the board of directors of the New England Historic Genealogical Society have, as I think, justly and properly described as "disproportionate and extravagant," the fact that it was vastly more than would be required for the kind of monument the promoters of the petition had in mind appears from the confession in Friday's Transcript of Mr. Jourdain, who is understood to have acted as solicitor for the petitioners, that the committee gave them *five thousand dollars more than they asked for!*

The two chairmen of the joint standing committee which reported the resolve were called upon at the suggestion of his excellency, and they courteously agreed to hear what the committee (of which I was a member) of the Massachusetts Historical Society had to offer in favor of reconsidering the resolve at its advanced stage, at an interview appointed to suit their convenience. At this hearing, besides what the chairman and other members of the committee urged as good reasons for reconsidering the resolve, I felt it my duty to strenuously maintain that the resolve, in departing from the evident purpose of the petition, had in a manner committed the Commonwealth to a scheme for inviting all living men and all posterity to applaud the perpetrators of deeds which, of themselves, were not only illegal but not even palliated by praiseworthy motives, and that it was only fair to give those of the petitioners who knew that this scheme was not contemplated by them a chance to be heard on the question of confining the memorial to be erected by the Commonwealth to the single purpose of designating the place of interment of the deceased, and to an inscription appropriate to that design. I still feel that the petitioners had no good reason to expect more than they asked for, or to be

vigilant to prevent the legislature from authorizing an imprudent expenditure of money—a thing which the careful committee on expenditures had never, to my knowledge, been inclined to sanction.

I deem it due to Mr. Lewis Hayden, who was the originator of the petition, and who I am sure was actuated by commendable motives, to add that he informs me that he called upon me to explain the nature of the reported resolve, and that, finding me busy, he withdrew, with the intention of calling again, but was prevented by illness from so doing until after the resolve had reached the governor.

Mr. Hayden called upon me again before the protest of the members of the board of directors of the New England Historic Genealogical Society had been presented to the governor or submitted to the legislative committee. He was ill and could not stay; but to several of the persons who came with him I read the draft of the protest, explained its purpose, and pointed out the difference between applauding the unlawful action of rioters, and commemorating the first instance of bloodshed in Boston by British soldiers—which led to the withdrawal of the regulars, and was succeeded by a train of events culminating in revolution and independence.

With your permission I shall here proceed to give, as briefly as the subject will allow, a statement of the important distinction which I believe the welfare of society, and a proper appreciation of the lessons of history, alike require should be pointed out, and its observance insisted upon, whenever a project like the present one, which admits of a double purpose, one proper and the other improper, is likely to be perverted. I shall also endeavor to show that this distinction was recognized by the sober second thought of the public at the time of the tragedy, by the Boston orators and by contemporary historians, and that among later writers it has been approved as sound by those whose opinions are most trustworthy.

In the first place, let us remember what were the points at issue in 1770 in the contest between the people of the Province of the Massachusetts Bay and the home government, as it was then called. The desire for independence was not then generally felt. Five years later, even, Joseph Warren, in his 5th of March oration, spurned the idea that such a thing was contemplated by the patriotic party which he represented.*

Neither was there at stake any question of personal liberty. We had our own legislature, and judicial tribunals presided over by our fellow-citizens; and as for negro slaves, what advan-

* "An independence on Great Britain is not our aim. No, our wish is that Britain and the colonies may, like the oak and ivy, grow and increase in strength together." —Oration, March 6, 1775.

tages had any of those unfortunate people who were held in perpetual bondage under the laws of the Province to expect to gain by siding with their oppressors in a struggle with England? One of the charges made against these very soldiers in the first narrative of the massacre prepared by the town committee was that Capt. Wilson of the Fifty-ninth had been exciting the negroes to leave their masters and to repair to the army for protection! *

[We must not, therefore, fall into the error of attributing to anybody at that time, much less to the mob in King street, the high motives and aspirations which in our present advanced state of freedom and civilization we conceive to be the noblest and best incentives to patriotic action. Even the British soldiers were not objected to, as such. The legislature, if it had not invited them, had prepared barracks for them on Castle Island, under an act of parliament which neither the legislature nor the good people of Boston repudiated or called in question; and the only dispute concerning them had been as to whether or not the act of parliament required that they should be billeted or quartered in the town, before the place prepared for them on the island was full. Underneath the universal profession of deference and the outward submission to law, however, there was a deep-seated feeling that the people were capable of governing themselves and of keeping the peace without the aid of this detail from the standing army. which, though it had scrupulously avoided interfering with the civil administration, had been ordered hither to aid the civil powers in the enforcement of the acts of parliament relating to trade and navigation, to preserve the peace and to prevent smuggling.]

There was one political proposition, however, which the leaders of the people had recently maintained with ardor and in which they had been supported by men in high places of power in England, although the courtiers were on the opposite side. This was that taxation without representation was tyranny,—that laws passed to impose taxes without the grant or consent of the tax-payers were unconstitutional and not binding, and should be disregarded and avoided by every means that could be discreetly employed. The colonists did not at first apply this doctrine to the case of external revenue; in other words, to duties payable at the custom houses: but after the repeal of the stamp act

two other acts were passed by parliament imposing duties for raising money to increase the British revenues and to be applied to the payment of the salaries of such officers in the province as were appointed by the crown, in order to make these appointees dependent upon the crown and independent of the provincial assembly. To enforce the collection of these duties, a board of commissioners had been appointed with authority from the commissioners of customs in London. This led the people to question the soundness of the distinction they had been making between internal and external taxes; but they were not fully agreed on this point and so they manifested their opposition to these acts, chiefly by signing pledges not to import English goods. And though it must be confessed that there was a strong tendency to look upon any evasion of the parliamentary revenue laws as venial, to wink at smuggling, and to consider "custom-house oaths" as mere matters of form, no one questioned the constitutionality of the acts of parliament relating to the disposition of the king's forces, nor the propriety of employing the army to aid the civil magistrate to suppress unjustifiable rebellion, but they argued that the quartering the military among them under pretext of enforcing the laws and preserving order implied either that they were wantonly factions, and so was an insult, or that the laws requiring such an extraordinary measure for their enforcement were contrary to the will of his majesty's loyal subjects, and ought to be repealed, and that at all times the *posse comitatus* was adequate for the enforcement of all good and wholesome laws.]

Perhaps in a few minds the thought was then nourished that the almost absolute exemption from foreign control which our fathers had enjoyed under the colony charter might again be attained, through the same exhibition of courage and by resort to the same ingenious artifices which had been successfully employed more than a century before; and I am not prepared to deny that the deep, far-seeing mind of Samuel Adams had penetrated to this result through intervening clouds of war and scenes of carnage, and that he entertained the settled belief that separation was inevitable. But no one openly avowed this intention and no one would tolerate such a suggestion: on the contrary, declarations of loyalty were everywhere made, and evidently with the utmost sincerity. The supposition, therefore, that the mob which confronted the soldiers on guard at the custom house were swelling with high notions of independence and liberty, and had been aggravated beyond endurance by the menace which the presence of the hated red-coats implied, is simply preposterous. However honestly entertained, it can only spring from a failure to accurately ob-

* An illustration of the prevailing contempt in Boston for negroes at that period appears in the confession of Mr. John Hill, a Boston magistrate, whose deposition is No. 8 in the appendix to the narrative above referred to. The "tall negro drummer," who, according to the testimony of two other deponents, headed the party which attacked the ropewalk on the Friday previous to the massacre ("with a cutlass chained to his body," from which one of the deponents received a cut on the head) was thus accosted by Hill: "You black rascal, what have you to do with white people's quarrels?"

serve the order of events and the changes of public sentiment which history records, and which are clearly apparent to all who will study it carefully and without prejudice.

The soldiers were finally quartered in the town instead of at the island. Two regiments (and some artillery) arrived from Halifax, September 28, 1768, and two more, which had been recruited in part at Cork in Ireland by drafts on the people there, arrived on the 10th of November following.

Disputes as to the meaning of the act of parliament requiring accommodations for the soldiers arose between the governor and the council, the selectmen and the military officers, and increased the resentment provoked by the appearance and bearing of the regulars, who had been educated in a school of morals and manners far different from the approved New England standard. The profanity, brawls, indecencies and rudeness at that time characteristic of European army life shocked the better class of citizens not less than did the military parades on Sunday and the sound of drums and fifes which broke the habitual stillness of the great Day of Rest—the more perfect keeping of which was one of the chief inducements to the immigration of the Pilgrims, and an important desideratum with the sons of the Puritans.

I think it cannot be denied, too, that this popular repugnance was strengthened by the knowledge that some of these soldiers, although against their will, had been enlisted in a city out of the realm, where the lower classes, from which the soldiers were drawn, commonly used a language unintelligible to New England ears, and were generally of a religious faith totally at variance with the traditional faith of New England, and, moreover, were the descendants of a people whose adherence to James II. had led to their subjugation by the forces of King William, the great representative of the revolutionary ideas of 1688 and of that policy of encouragement to the colonies under which Massachusetts had derived her charter privileges, in 1692.

Bad people of all sorts took advantage of this antipathy to the soldiers to foment quarrels with the red-coats, under cover of which to commit other crimes. Suspicious strangers flocked to Boston from the outlying towns and neighboring colonies ostensibly to see and tease the regulars, but in reality to rob and plunder. The laws of the province against burglary had been recently discovered to be defective, so that a culprit convicted of that crime needed only to plead the "benefit of the clergy" in order to be discharged after being branded in the hand, not always with a very hot iron. This evil had so increased that about three weeks after the "massacre" the legislature deemed it necessary to pass a law making burglary a capital offence,

without benefit of clergy, for the especial protection of the citizens of Boston. Assaults, incendiary attempts and other crimes seemed to increase with the prolonged stay in the town of the regulars, until all good citizens were impatient at the longer continuance there of this source of trouble. In deference to this feeling two of the regiments had actually departed before the date of the fatal encounter, but enough still remained quartered in the town to keep the community in a state of feverish anxiety and to occasion the spreading of the most damaging reports as to the character of the inhabitants of Boston for love of order and regard for law. Repeatedly, the council, the selectmen of Boston and the citizens by their committees and representatives had denounced these breaches of the peace in terms as strong at least as were used by a convention of the representatives of the whole province in Faneuil Hall, September 22, 1768, who then declared their own loyalty and that of the people in general and advised all, "not in an authoritative, but friendly manner, to compose their minds, to avoid any undue expressions of resentment, and to prevent, as much as in them lies, all tumults and disorders," and further pledged themselves to yield every possible assistance to the civil magistrate in suppressing disorders, and recommended the employment of the *posse comitatus* for that purpose, if necessary.

Notwithstanding these genuine expressions of regard for law and order—a sentiment which had been earnestly inculcated by the best and wisest patriots, and especially by John Dickinson, the "Pennsylvania Farmer," whose views were greatly applauded by the patriots of Boston, the charge has repeatedly been made by the patriots themselves, and never authoritatively denied, that these broils between citizens and soldiers were connived at if not actively encouraged by designing men of influence in Boston. It would take too much space to particularize on this point here; and, however such conduct may be considered at this distance of time, it probably cannot be clearly shown that in some instances at least it was not inspired by the same patriotic motive which prompted the famous exclamation attributed to Samuel Adams at Lexington on the day of the conflict of arms between the British forces and the "assembled farmers."

This was the state of commotion and alarm in Boston, and such were the sentiments entertained by the respective parties concerned in shaping events, in March, 1770. It is absurd to suppose that the hot-headed men and boys who had all along taken part in the combats with the soldiers, and who were "spoiling for a fight," were anxious for the summary removal of the objects of their vengeance, simply for the sake

of the public peace. On the contrary, it is quite probable that they were unwilling to lose the chance of giving their antagonists in these affrays at least one more drubbing—and one that they would remember. What better time for such an assault than when the soldiers were on duty, and so unable without the command of their officers to retire or to break ranks in pursuit of their assailants? No danger was to be apprehended in thus attacking armed men, since the acts of parliament forbade soldiers situated as these were to fire upon citizens without express and special authority from the civil magistracy, and it was easy to keep out of the reach of the bayonets of the regulars, or to ward them off by the use of clubs which were readily obtainable. Then, too, the stronger and more daring might hope to close with the soldiers, to wrench their muskets from them, and, if need be, to use them against their owners.

At the time of the fatal affray in King street, fresh incentives to disturbance had been furnished by recent events. On the 22d of February, only 11 days before the "massacre," a lad 11 or 12 years of age, the son of a poor German named Snider, was killed by a former inferior officer of the customs, who, in firing upon a mob which was endeavoring to force an entrance into his house, hit the boy. The funeral of the child had been attended "by young and old, some of all ranks and orders" "in a solemn procession from Liberty Tree to the town house, and then to the common burying-ground." Richardson, who fired the shot, was seized by a mob and threatened with lynch law, but was rescued and committed to jail, where, while the tragedy was enacting in King street, he was still incarcerated on the charge of murder. He was subsequently tried and convicted, though against the ruling of the court, but was pardoned by the crown and immediately left the province.

This brings us now to the consideration of the particulars of the tragedy. Fortunately, the important facts are beyond reasonable doubt. However much a false pride or preconceived theories may have warped the judgment of later compilers of accounts of the affair, and vague and conflicting as were the earliest rumors concerning it, and untrustworthy as are the one-sided narratives of the town committee, even the statement of the latter in their report to Thomas Pownall, the active friend of the colonists in England, which under the circumstances has in this particular the full weight of an admission, shows that the affair had its origin in a personal combat a few days before. This is what the committee say:—

"On Friday, the 2d inst., a quarrel arose between some soldiers of the Twenty-ninth and the ropemakers' journeymen and apprentices, which

was carried to that length as to become dangerous to the lives of each party, many of them being much wounded. This contentious disposition continued until the Monday evening following, when a party of seven or eight soldiers were detached from the main guard, under the command of Capt. Preston, and by his orders fired upon the inhabitants promiscuously in King street, without the least warning of their intention, and killed three on the spot; another has since died of his wounds and others dangerously, some, it is feared, mortally wounded. Capt. Preston and his party now are in jail. March 12, 1770." Signed, John Hancock, Sam Adams, W. Molineaux, Joshua Henshaw, Wm. Phillips, Jos. Warren, Sami Pemberton.

But the sworn evidence in the only trial of which a full report has reached us, which need not be recapitulated here, is conclusive to condemn the assault and to justify the resistance. Moreover, contemporary testimony of the highest credit agrees substantially on that point.

The third volume of Hutchinson's History was not given to the world until 1828; and then it appeared that this author, himself lieutenant-governor of the province at the time of the "massacre," and having no intercourse with John Adams, or the others whom I shall hereafter quote, had written out an account of the affray differing in no essential particular from theirs.

The Rev. Alden Bradford, who, though but 5 years of age in 1770, was for 12 years secretary of the Commonwealth and held other public stations, bringing him into intimate relations with men who were cognizant of all the earlier events of the Revolution. He was a strong sympathizer with the ultra patriotic party of the Revolution. His History of Massachusetts is almost the only authentic compilation we have concerning many important measures of the old state government and the earlier administrations of the Commonwealth. It shows that he not only took an intelligent interest in all affairs of state, but understood well the relative importance of events. He thus sums up the story of the "massacre":—

"The people were much agitated at the time of the transaction; but they had time for reflection, and a more full and correct account probably satisfied them that, though the bloody deed could not be justified, the soldiers were first assaulted on the evening the firing took place; and that their acquittal was such as the law fully sanctioned." (p. 211.)

Another authority to which I will refer is one of the famous "Boston Orators." He was also one of the founders of the Massachusetts Historical Society;—and here it may be observed in passing that among the founders of that society were two other of these orators; that one of

these orators was afterwards recording secretary with universal favor by the patriotic party. In and librarian, and two of them were successively treasurers of the society, and that three of them were members of important committees in that body.

William Tudor, when in 1779 he delivered his oration on the anniversary of the massacre, kept the true lesson of the tragedy clearly in mind,* and his son and namesake probably only represented the views of his father when, in his Life of James Otis (published in 1823), he declared that Capt. Preston directed his soldiers to fire in self-defence; that after the firing "all the leading patriots and respectable inhabitants exerted their influence to the utmost to prevail on the people to be quiet"; and in reference to the trial of Preston, that "still justice held its course through this conflict of passions, and Capt. Preston was absolved by a jury taken from among the citizens," and that John Adams's defence of that officer "was made successfully, and will ever hold a distinguished rank among those causes that adorn the profession of the law, in which a magnanimous, fearless advocate boldly espouses the side of the unfortunate against the passions of the people, and hazards his own safety or fortune in the exertion."

I need refer to but one other contemporary authority. William Gordon, the historian of the rise and progress of our national independence, left England to join the colonists in their contest with the ministry for their political and civil rights and liberties. He arrived here the very year in which the tragedy in King street took place, and remained here until three years after the independence of the United States was acknowledged, and a treaty had been concluded on that basis with Great Britain, enjoying during that period the intimate friendship of the leaders in all the colonies of the opposition to British policy and the coercive measures of the British ministry. He was very popular in Massachusetts, and was made chaplain of the provincial congress. After the Declaration of Independence, and while the War of the Revolution was assuming its gravest aspect, he conceived the design of writing his history with the express encouragement of Washington. For this work all the patriots to whom he applied furnished him materials, and the continental congress by formal vote opened to him its journals and archives. The basis of this work was the correspondence he had held with friends in London, Rotterdam and Paris respecting contemporaneous events in America.

Upon its appearance his book was received

with universal favor by the patriotic party. In the list of subscribers are the names of Washington, Jefferson, Lafayette, John Adams; and Samuel Adams and James Bowdoin—two of the committee of Boston appointed to collect evidence in regard to the massacre; also of three of the orators who delivered addresses in commemoration of the massacre; also of John Dickinson, the "Pennsylvania Farmer" whom I have already mentioned. The names of the patriots, Thomas Cushing, Benjamin Lincoln and Elbridge Gerry, are in the list. The favor with which the book was at first received is still accorded to it by all who appreciate the importance of such a work, and who have tested its accuracy and fulness and the candor of its author. Of all the patriots who read it, I do not know that one ever objected to the truth of a single part of the narrative; and indeed the only adverse criticism affecting its value as a history appeared in the London Critical Review, which declared "there arises some suspicion that Dr. Gordon wrote under the influence of American prejudice"—an objection which surely will not impair his credit as a witness against the mob of March 5, 1770. His description of the proceedings of "the mob," as he does not hesitate to call the assailants, agrees with that given by John Adams and with the testimony upon which the accused were acquitted. I will, however, quote but one sentence here: "But from the characters, principles and politics of certain persons among the leaders of the opposition, it may be feared that they had no objection to a rencontre, that by occasioning the death of a few, might eventually clear the place of the two regiments."

This avowal, which coming from such a source has all the weight of an admission, chills us with its deliberate candor, and begets reflections on the desperate means resorted to by some of the leaders of the populace in those trying times which historians generally have shrank from suggesting.

Much has been said of late to discredit the statements of Adams and Quincy at the trial of the soldiers, because they were acting as counsel for the accused. But, under the circumstances, I think this is not just to Adams, at least, because it appears from contemporary sources that as counsel he suppressed evidence in favor of his clients, which was not absolutely necessary for their acquittal, and would have been damaging to some public leaders. *Quincy and he had some difference on this account. If, however, we appeal from Adams the advocate

"Our citizens who fell on that memorable night, tall and bequeathed us this salutary lesson, written indelibly with their blood. Confusion, murder and misery must ever be the consequence of mercenary standing armies cantoned in free States." —[Oration March 5, 1779. The italics are in the printed oration.]

*From Quincy, if he had not been cut off in the flower of his manhood, the events of the Revolution might have come down to us with a different coloring than they have received from those who have been in the habit of subordinating truth to high-sounding platitudes, "glittering generalities" and pleasing illusions; yet no sincerer patriot than he ever lived.

to Adams the statesman, the political philosopher, and, in a personal way, the historian, we shall hear him, notwithstanding the statement recently made to the contrary in certain newspapers, discoursing thus of the incidents of the massacre 30 years afterwards in his autobiography:

"Endeavors had been systematically pursued for many months by certain busy characters to excite quarrels, encounters and combats, single or compound, in the night, between the inhabitants of the lower class and the soldiers, and at all risks to kindle an immortal hatred between them. I suspected that this was the explosion which had been intentionally wrought up by designing men who knew what they were aiming at better than the instruments employed. If these poor tools should be prosecuted for any of their illegal conduct, they must be punished. If the soldiers, in self-defence, should kill any of them, they must be tried, and, if truth was respected, and the law prevailed, must be acquitted.

"To depend upon the perversion of law and the corruption or partiality of juries would insensibly disgrace the jurisprudence of the country and corrupt the morals of the people.

"It would be better for the whole people to rise in their majesty and insist on the removal of the army, and take upon themselves the consequences, than to excite such passions between the people and the soldiers as would expose both to continual prosecution, civil or criminal, and keep the town boiling in a continual fermentation." [Life, vol. 2, p. 229.]

These are all the authorities I purpose to adduce on this head, although I might quote from later writers, such, for instance, as Chandler in his "Criminal Trials," an author recently very warmly commended by The Advertiser, but who repeatedly refers to the assailants as "the rioters" and "the mob," and clearly shows it to be his opinion that the soldiers were unlawfully and violently attacked, and were justified in defending themselves. Then there are the historians, David Ramsay, Hannah Adams and Jedidiah Morse, contemporaries of the Revolution, and Alexander Everett (in his Life of Warren in Sparks' Biographies) Hildreth, Charles Francis Adams, Loring's Boston Orators, Drake's History of Boston, Barry's History of Massachusetts, the encyclopedias and the editor of the Boston Daily Advertiser of March 5, 1870—all testifying to the same effect. In short, there is enough of such corroborative material to fill a volume.

There would seem to be hardly room for an honest difference of opinion among attentive readers of the above and other authorities as to the unjustifiability of the attack and the responsibility of the assailants for the death of those who fell.

Nothing, except perhaps the assurance of protection by certain powerful managers in the town, contributed so much to the display of "courage" at the massacre as the confident assertion that firing by the soldiers was out of the question,—a thing absolutely prohibited; so the rioters were not intimidated by the familiar sound of loading; the ring of ramrods and the click of the flintlocks. On the contrary they derided these demonstrations as harmless bravado, and they attacked the soldiers with missiles of every description that they could gather, knocked aside their muskets and beat them with clubs, and even used the broadsword to some purpose, all the while defying them to fire, taunting them with cowardice and filling the air with their howls, shrieks and blasphemous objurgations, while above all this din Attucks raised the blood-curdling war-whoop—the only legacy save his Indian surname, his strength and ferocity that he is known to have received from his savage ancestry. All this was too much for human nature to endure without retaliation, and the first soldier who had been knocked down recovered his position and fired, killing one of the rioters. This was unexpected. Those of the mob who were aware of the result of the discharge fell back, but as soon as other discharges had followed, and it was found that the soldiers meant business, the cowardly mob scattered in all directions. As in all similar cases, innocent passers-by and lookers-on suffered equally with the guilty. So the unoffending Maverick and Caldwell were killed outright, and other good citizens were wounded; but in the same category with these are placed, with an absolute disregard to the totally different circumstances of their deaths, for which there is no longer any excuse, Gray, who was bent on vengeance, and Attucks, to whom the narrative renders it impossible to ascribe, with the slightest regard for historical truth, even so unworthy a motive as revenge. It would be most gratifying to find some evidence that he was trying to assist the patriotic fathers of the town to preserve the peace, which the presence of the soldiers endangered, by stepping to the front in order to prevent a collision between them and the mob; but the stern, hard facts on record cannot be tortured into such an interpretation of his intentions. Carr lived long enough to repent his rashness, to forgive the soldier who shot him, and to bear testimony that the shooting was justifiable.

But it has been said that it must not be believed that the assailants were altogether in the wrong, because the jury who tried the soldiers did not acquit all of them and that two of them were punished. But all were acquitted of the charge in the indictment; i. e., murder. Two

of them were brought in guilty of manslaughter, but they were not punished for that crime. They were simply branded (which was not a punishment known to the laws of England) to prevent their pleading the privilege of the clergy a second time. This plea, which was of ancient origin, was originally permitted to the clergy alone, who were not amenable to the secular courts for certain crimes, but were entitled to be tried by their brethren in the ecclesiastical tribunals. After a while, any man who could read was presumed to be a clergyman, for this purpose at least, and so it happened that after the ecclesiastical tribunals ceased to try such offenders, and in all places where no such courts existed, the prisoner went free after being marked on the "brawn of the thumb" for future recognition. Even this marking finally became a farce, for the iron applied was sometimes quite cold.

This distinction, however, is more curious than important. It is of less consequence in its bearing upon the views of the jury than the universal and obstinate belief at that time that soldiers were by law absolutely prohibited from firing except as I have heretofore stated. Although both court and counsel endeavored to disabuse the minds of the jury of this error, it is possible that they did not succeed, and all their representations that as *men*, if not as a part of the rank and file, the soldiers had a right to defend themselves by all available means, may have failed to convince the jury, who, in criminal cases, were admitted to be judges of the law as well as the facts. If this hypothesis is not correct, there is still another which is well supported by the history of the times and the record of the trial. Some of the killed were not proved to have been engaged in the assault, and as the law was then interpreted it would take more than the combined authority of the bench and bar to so far overcome their traditional reverence for the command in Genesis: "Whoso sheddeth man's blood by man shall his blood be shed," as to satisfy the consciences of the jury that they were doing justice in permitting those who were the means of the deaths of Maverick and Caldwell to go free of all condemnation, however willing they might have been to acquit them of any crime toward Gray and Attucks.

To one who knows only the simple narrative of this demoniacal mêlée, and has read it dispassionately from beginning to end, it would indeed be a matter of astonishment that Christian men and women could annually commemorate such an event by an oration, and that the whole town should in a body attend the funeral of four of the victims. There must have been some other and higher purpose than merely to do honor to these rioters who "died as the fool

dieth." Indeed, it is a scandalous reflection on the good sense as well as good morals of our forefathers to admit the possibility of their committing the folly which some are so ready to ascribe to them.

What then was the purpose of the annual oration? Let the town record of March 19, 1770, speak for the patriots of Boston: "That for the present the town make choice of a proper Person to deliver an Oration at such Time as may be Judged most convenient to commemorate the barbarous murder of five of our Fellow-Citizens on that fatal Day, and to impress upon our minds the ruinous tendency of standing Armies in Free Cities, and the necessity of such noble exertions in all future times, as the Inhabitants of the Town then made [for the withdrawal of the troops], whereby the designs of the conspirators against the public Liberty may be still frustrated."

To guard against the possibility of confounding an approval of the riot and the rioters with a recognition of the significance of the great event which followed the massacre—the retirement, on the instant *demand* of the citizens, of a part of an army whose proud boast it was that it *never retreated*, an article which had been inserted in the warrant for this town meeting, and which looked to the erection of a monument "on the spot where the late tragical scene was acted," was not voted upon, although one of the avowed purposes of the monument was to serve as a memento of "the destructive consequences of military troops being quartered in a well-regulated city."

To further substantiate this view I have to refer again to Gordon, who says, speaking of the funeral of Attucks, Gray, Maverick and Caldwell:—

"Thus are they distinguished and honorably attended to the place of interment, with unparalleled pomp, *not on account of personal merit*, but to express the vehement indignation of the inhabitants against the slaughter of their brethren by the British soldiery quartered among them, in violation, as they imagine, of their civil liberties."

The orators at the anniversaries of the massacre have been referred to as approving of the riot. I think this a great mistake. We have already seen how Tudor expressed the true purpose of the occasion in 1779; but a still stronger confirmation of the disapproval of mobs and violence, which, as we have seen, Bradford says followed "a more full and correct account" of the massacre than they had at first received, appears in the oration delivered on the first anniversary of that event in 1771. James Lovell, the orator, was a trusted patriot who subsequently suffered imprisonment by the British for alleged treasonable conduct. Son of

the famous Boston schoolmaster, he was unusually well educated, and had the calm, clear perception which accompanies a trained mind and a naturally sound judgment.

In Lowell's oration he studiously avoids mentioning the names of either of the victims, or their sufferings or merits as individuals, but alludes to the "shocking close of one continued course of rancor and dispute from the first moment that the troops arrived in town," only to condemn the practice of "placing standing forces in the midst of populous communities," and says "that whatever were the causes which concurred to bring it on," "the bloody scene" commemorated "must lead the pious and humane of every order to some suitable reflections," and then proceeds, in a calm but earnest manner, to deprecate anger and violence; to urge a steady and conscientious regard to law "and to the worthy executors of it." He quotes from Dickinson, "The cause of liberty is a cause of too much dignity to be sullied by turbulence and tumult," and then adds:—

"The Right which imposes duties upon us, is in dispute; but whether they are managed by a Surveyor-General, a Board of Commissioners, Turkish Janizaries, or Russian Cossacks, let them enjoy, during our time of fair tryal, the common personal protection of the laws of our constitution. Let us shut our eyes, for the present, to their being executors of claims subversive of our rights." He concludes with the following exhortation: "Let us behave with the propriety and dignity of FREEMEN, and thus exhibit to the world a new character of a people which no history describes. May the all-wise and beneficent Ruler of the Universe preserve our lives and health and prosper all our lawful endeavors in the glorious cause of FREEDOM."

The avowal that the purpose of the anniversary oration was in accordance with the vote of the town was expressly made by Warren, Church, Thacher, Hichborn, Austin, Tudor and Welsh, seven of the 13 orators. But, after independence had been declared, this source of apprehension--a standing army--was no longer a terror; for there was no external power to which we bore allegiance, and which could claim the right to assert dominion over us by force. Hence other subjects of immediate interest to the struggling patriots took the place of this old menace to liberty.

It is noticeable that, in the second oration, March 5, 1772, the names of the victims were again suppressed. In the third oration, by Dr. Church, the only names mentioned were those of the youth, Maverick, and of Caldwell—the only persons among those fatally wounded who were believed to be entirely innocent.

In the 4th oration, indeed (1774) Hancock

appeals to the "bloody butchers" to know if the shades of the departed five (mentioned by name, with Maverick at the head of the list) do not haunt them in the midst of their "debaucheries,"—inflated language which would be ridiculous if taken literally; and to give some tinge of sincerity to his hackneyed phrases he calls attention to the pitiable condition of Christopher Monk, a youth who was permanently crippled at the massacre by a stray shot. His whole oration is figurative; but the burden of his argument is that an organized militia is preferable to a standing army.

In the 5th oration, Warren a second time omits to mention the names of the victims,* as I believe do all the succeeding orators. Though reference is made more or less remotely to the tragedy, in some of the subsequent orations, the subject was treated perfunctorily, and it is evident that the orators dwelt with keener relish on the stirring events that were daily occurring and on the heroes Warren and Washington. In vain do we search through all the fervid sentences of these orators for one clear, unmistakable approval of the doings of the rioters, or one serious proposition to erect a monument to commemorate their meritorious (?) deeds. All that appears to indicate such an intention is figurative. Minot's extravagant figure that the tomb of the victims "shall ever stand basis to the stateliest pillar in the temple of freedom," must not be taken literally. Indeed, it cannot be realized without reintering their remains, or replacing the Tremont House, and appropriating at least a part of the adjoining burying-ground for the proposed "temple" in which to erect this pillar.

It has been currently credited of late, I understand, that a stone inscribed with the concluding lines of a short poem which appeared in Fleet's Post of March 12, 1770, was placed over the victims, and this story has been printed for truth in some of our newspapers; but I know of no good authority for it, and should be very glad to be informed when such a stone was so placed, and when and for what reason it was removed.

The event was commemorated by an inscription on one of the tablets on the dado of the Beacon Hill Monument, erected by citizens of Boston in 1790. This tablet is now embedded in the eastern wall of the eastern corridor of the state house, on the same floor with Doric Hall. The Bostonian Society last year caused a bronze tablet, suitably inscribed, to be placed on a building in State street opposite the scene

* Although in this oration Warren suppressed the names of the victims, he deemed it proper when the oration was printed to append a marginal note explaining to his readers that the phrase, "Your feet glide on the stones bespattered with your father's brains," applied to the "orphan babes" of "Mr. Gray."

of the firing, and have also placed a stone in the pavement to mark the spot where one of the victims fell. These are all the public monuments that have been erected or that the event requires. It is simply preposterous for the Commonwealth to erect a \$10,000 monument to the fame of these victims, when she has never paid such a tribute to one or more of the noble company of real heroes and patriots that crowd the highways of her history.

In 1851 William C. Nell and others prayed the legislature for a similar monument to Crispus Attucks alone, for which they asked an appropriation of \$1500. A committee, of which the late William A. Hawley was chairman, made a report on the petition, in which they give the historical evidence showing that Attucks' conduct was not meritorious and that the claim that he was the "first martyr" was unfounded. The petitioners had leave to withdraw [Doc. No. 100, 1851, House.] That this was not the result of race prejudice may be inferred from the fact that this was the first "coalition" legislature, which elected Charles Sumner to the United States senate.

To be sure, monuments of stone will not avail to perpetuate an error of history. Witness the monument erected to commemorate the great fire in London. The inscription on that monument, embodying a gross perversion of history and an insult to the living in proclaiming to all the world the falsehood that the conflagration was the work of Roman Catholic incendiaries, was effaced in 1831 after it had stood there a hundred and fifty years. But the just resentment, the ill-feeling, the grief and shame which it engendered during that period, and the disgrace it brought upon the nation, were evils of incalculable magnitude. The inscription is gone, but to the thoughtful, who know its history and its ulterior purpose, that monument, in the imperishable words of Pope, still—

Like a tall bully, lifts the head and lies.

Let us, therefore, be careful to avoid a similar mistake. Let us build no monument to commemorate any conduct in the past which we would not be willing to repeat today under similar circumstances.

If the only lesson that the popular mind has derived from the disorderly doings which preceded the Revolution is that they were the right things to be done and worthy of perpetual applause, it is high time that we adopt a rule never to mention such events as the sanguinary affray in King street and the destruction of the tea without expressions of unqualified disapprobation. Which of us would permit his sons to engage in such reprehensible proceedings today?

It has been sought to palliate or justify these illegal proceedings by comparing them or con-

necting them with the later organized resistance to tyranny, as if they were in the same category. There could not possibly be a greater or more mischievous error. After October, 1774, when the people, by their representatives regularly called by the governor, had organized the Provincial Congress, every step towards the Revolution was orderly and according to law. The people, deeming the alteration of their charter by act of parliament an unconstitutional proceeding, refused to acknowledge the board of mandamus councillors appointed under that act, and fell back upon the letter of the charter. The governor failed to meet the assembly; and after waiting for him a reasonable time they took his continued absence for abdication, and joining with such of the old council as were willing to serve, they took control of the three functions of government—the legislative, judicial and executive—*provisionally*, and until they could receive the advice of the other colonies as to their future course. Agreeably to this advice, the assembly was reconvened *under the charter*, but without a governor; and the two branches proceeded as the charter provided in such an emergency, and according to precedent, to manage all the departments of state, systematically and orderly, and to enact laws some of which are in force today.

Not one thing was done by them tumultuously or offensively. The affair at Lexington and the battle of Bunker's Hill were proper corollaries to the theory assumed and advanced by the people in the most regular and solemn form possible,—indeed, in the only way in which the general *consensus* could be satisfactorily manifested or ascertained—that Gage was an intruder, and that his offensive movements were unjustifiable and an *invasion*, and they determined to "expulse, repel, resist and pursue by force of arms, as well by sea as by land, within or without the limits" of the province, the invader, agreeably to the authority given in their charter.

Later, when *revolution* was confessedly resorted to, they were still under law; for they not only maintained the authority of their legislature, but *then, ipso facto*, the law of nations superseded the inoperative statutes of parliament and the impotent fiats of the crown. Then the whole civilized world became the umpire to which both sides must eventually appeal. Then, within certain limits, other nations than Great Britain had a right to control both parties to this struggle; and accordingly, before the contest was ended, they did interpose under the supreme law which forbids one nation to unfairly and revengefully exterminate or change the status of another.

I trust, for the honor of our ancestors, that the line which they recognized between lawlessness and the highest duty of citizenship will

never be effaced or incorrectly marked by false monuments.

The right of revolution, for sufficient cause, which, ever since the overthrow of the Stuart dynasty, has been a fundamental part of the British constitution, and was first successfully promulgated and maintained by the Puritans of Old England (who, at the same time, had the courage to punish treason even by the decapitation of their sovereign), was recognized by the Puritans of New England, who transmitted it to their posterity. Sedition and lawlessness were neither inculcated nor sanctioned by our fathers. Open, manly, courageous and united action won for them more than cowardly assaults under cover of darkness, and mean degradations by reckless law-breakers in masks and fantastic disguises, could ever accomplish. Indeed, there is reason to believe that the acts of lawless violence which occurred about the time of the Revolution alienated many persons, both here and in England, whose co-operation would have shortened the war and hastened the consummation so devoutly wished for by all true patriots.

But there are many things in our history not pleasant to dwell upon, which are still important to be remembered as leading to nobler results. Indeed, throughout our sacred annals there is scarcely a person or event in which the public have at any time been interested that does not need to be more carefully studied, and concerning which more definite particulars will not be eagerly sought for by posterity. It would be interesting, even, to know more about the troublers of New England's peace. With what interest should we not look upon a portrait, drawn with all the fidelity of a Holbein, of Ann Hutchinson, or of her descendant, the lieutenant-governor—the great antagonist of the patriot party; of Thomas Morton of Merry Mount; of Randolph, "the evil genii of New England"; or even of Dr. Benjamin Church, one of the orators on the Boston Massacre, and the first convicted traitor of the Revolution! It is a laudable curiosity that leads us to wish that the spot on Boston Common where the martyred Quakers were buried could be appropriately and durably marked, and that the place where the persons executed for witchcraft swung upon the gallows could be certainly identified and pointed out to posterity. Yet does this justify an expenditure from the state treasury for the erection of a costly memorial of crimes and follies long since repented of and condoned?

On the other hand, the ancient arches of Westminster Abbey protect from outward injury a sepulchral monument erected by Massa-

chussets to the historic dead. Let us avail ourselves of this precedent to give the victims of the massacre, and the boy Snider, suitable monuments in the seclusion of the burying-ground whither their remains were followed by immense concourses of the people of Boston and the neighboring towns, and with tokens of universal sorrow. Let the stone or bronze be inscribed with all that can be learned of their history. And let us hope that it is not, even now, too late to appeal to "sober second thought" to stop there.

Above all things, let us do nothing which shall seem to imply that we believe, or that our fathers believed, that a riot was ever anything but a hideous crime: that wilful injury to the person or property of another is not an assault upon the peace of all; and that it should not be the common cause of all to suppress the one, to endeavor to prevent the other, and to redress the wrong inflicted by both.

Let the new and strange doctrines that are now bearing fruit in Canada, and that have borne fruit in Cincinnati and Chicago—and in other cities in Europe and America—no longer receive encouragement from the alleged example of the Revolutionary patriots; but let us prove to the oppressed of all nations, who look to us for guidance, that our history does not bear such an interpretation; that our ancestors stood upon the constitution and the common law of England, and their own peculiar rights under their charters; that for 90 years they contended for their rights on this basis, and by their fortitude, their patience, their ingenuity and vigilance *they put their opponents in the wrong*, and so won the sympathy of mankind; and that, today, the interpretation of the British constitution which they enunciated, and which they maintained against the army and navy of Britain, is the accepted doctrine of the statesmen of England, and the established foundation of its colonial policy.

Let us show the world that history teaches this important lesson, and that both the precepts and examples of the heroes who transmitted to us the blessings of the freedom we enjoy, and which we desire to spread over the world, were in absolute harmony with the peaceful sentiment expressed by our own loved New England poet:

Not mine sedition's trumpet-blast
And threatening word;
I read the lesson of the Past,
That firm endurance wins at last
More than the sword.

A. C. GOODELL, JR.

Boston, May 24, 1887.

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